

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

DANIEL FREEMAN,
Plaintiff

v.

**WYNDEN STARK, LLC D/B/A GQR
GLOBAL MARKETS,**
Defendant

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CIVIL NO. 1-20-CV-589-LY

ORDER

Before the Court are Plaintiff's Motion to Compel Discovery, filed July 21, 2021 (Dkt. 32), and Defendant's Response to Plaintiff's Motion to Compel Discovery, filed July 28, 2021 (Dkt. 34). The District Court referred the motion and related filings to the undersigned Magistrate Judge for resolution, pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. Dkt. 33.

Plaintiff Daniel Freeman asks the Court to compel Defendant Wynden Stark, LLC d/b/a GQR Global Markets to produce certain information in response to an interrogatory and requests for production. The discovery deadline in this case expired May 31, 2021. Scheduling Order, Dkt. 12

¶ 6. Local Rule CV-16(e) provides in relevant part that:

Unopposed discovery may continue after the deadline for discovery contained in the scheduling order, provided that discovery does not delay other pretrial preparations or the trial setting. Absent exceptional circumstances, no motions relating to discovery, including motions under Rules 26(c), 29, and 37, shall be filed after the expiration of the discovery deadline, unless they are filed within 14 days after the discovery deadline and pertain to conduct occurring during the final 7 days of discovery.

Because Plaintiff's Motion was filed more than 14 days after the discovery deadline in the Scheduling Order expired and Plaintiff has not presented exceptional circumstances, Plaintiff's Motion is untimely under Local Rule 16(e).

Accordingly, Plaintiff's Motion to Compel Discovery Responses (Dkt. 32) is **DENIED** as untimely under Local Rule 16(e).

It is **FURTHER ORDERED** that this case be removed from the Magistrate Court's docket and returned to the docket of the Honorable Lee Yeakel.

SIGNED on August 12, 2021.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE